

Remarks

In response the Office Communication mailed July 18, 2003, Applicant is resubmitting the amendment previously mailed on June 30, 2003 to provide a complete listing of all claims in order to comply with the "voluntary" revised amendment practice.

Claims 11-13, 16-18, 21-23, 33, 34, 36, 41, and 42, previously withdrawn from consideration are now cancelled.

Claims 1-6, 10 were pending in this application. Claim 1 has been amended. Claims 2-6 are cancelled in this application. As a result claims 1 and 10 are pending for examination with claim 1 being independent claims. No new matter has been added.

Rejection under 35 U.S.C. §112, Second Paragraph

The Examiner rejected claims 1-6 and 10 under 35 U.S.C. §112, second paragraph, as being indefinite. Claim 1 has been amended to overcome this rejection.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection made under 35 U.S.C. §112, second paragraph.

Rejection under 35 U.S.C. §112, First Paragraph

The examiner rejected claims 1-6 and 10 under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification as to enable one skilled in the art to which it pertains, or with which it most nearly connected, to make and/or use the invention. The specification describes a method for diagnosing endometrial cancer in tissue samples by the detection of expression levels of described nucleic acid sequences in cancer samples compared with control samples. The samples used to test the sequences were obtained from 10 endometrial cancer subjects and from 4 control subjects. The expression of the nucleic acid molecules or expression products thereof in the cancerous endometrial tissue sample and the control endometrial tissue sample were compared. Expression of SEQ ID NOS:14 and 32 were higher in the cancerous endometrial tissue samples than in the control samples. Thus the specification teaches that one skilled in the art could detect endometrial cancer in patient samples using the nucleic acid sequences and methods outlined in the specification.

The examiner rejected claims 1 and 10 stating that undue experimentation was required to determine if difference in expression level of the instant invention is associated with endometrial cancer. The methods required to practice the invention as claimed are well known in the art and are presented in the specification. The specification therefore provides all the necessary information for one skilled in the art to practice the invention as claimed.


Accordingly, withdrawal of the rejection of claims 1 and 10 under 35 U.S.C. §112, first paragraph, is respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,
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